

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

LISA T. JACKSON,)	
)	
Plaintiff,)	
v.)	
)	CIVIL ACTION NO.: 4:12-cv-0139
PAULA DEEN; PAULA DEEN)	
ENTERPRISES, LLC; THE LADY &)	
SONS, LLC; THE LADY)	
ENTERPRISES, INC.; EARL W.)	
"BUBBA" HIERS; and UNCLE)	
BUBBA'S SEAFOOD AND OYSTER)	
HOUSE, INC.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR LEAVE TO FILE THEIR BRIEF IN REPLY TO
PLAINTIFF'S RESPONSE TO DEFENDANTS' FED. R. CIV. P. 25 MOTION FOR
MENTAL EXAMINATION OF PLAINTIFF TO BE PERFORMED BY L. RANDOLPH
WAID, Ph.D. UNDER SEAL**

COME NOW Paula Deen, Paula Deen Enterprises, LLC, The Lady & Sons, LLC, The Lady Enterprises, Inc., Earl W. "Bubba" Hiers, and Uncle Bubba's Seafood and Oyster House, Inc., the Defendants in the above-styled action, and file this Motion for Leave to File Their Brief in Reply to Plaintiff's Response to Defendants' Fed. R. Civ. P. 25 [sic] Motion for Mental Examination of Plaintiff to be Performed by L. Randolph Waid, Ph.D Under Seal, showing the Court as follows:

1. On January 16, 2013, Defendants jointly filed their Fed. R. Civ. P. 25 [sic] Motion for Mental Examination of Plaintiff to be Performed by L. Randolph Waid, Ph.D. [Doc. 70].
2. On February 4, 2013, Plaintiff filed her response in opposition to Defendants' motion. [Doc. 76].
3. On February 11, 2013, Defendants notified the Court and Plaintiff of their intent to file a

reply brief. [Doc. 77].

4. Defendants are ready and prepared to file their Brief in Reply to Plaintiff's Response to

Defendants' Fed. R. Civ. P. 25 [sic] Motion for Mental Examination of Plaintiff to be Performed by L. Randolph Waid, Ph.D. within the time permitted for reply briefs.

However, Defendants are hesitant to file this brief as a matter of public record due to matters contained within the brief that Plaintiff would presumably consider to constitute personal information. Specifically, the reply brief that Defendants intend to file contains reference to Plaintiff's medical care and treatment and specific references to Plaintiff's personal history. Defendants also intend to attach copies of certain of Plaintiff's medical records to their reply brief in support of their request for a mental examination of Plaintiff.

5. In an effort to protect, to the extent possible, information that Defendants consider personal to Plaintiff and not in the interest of the public, and out of an abundance of caution, Defendants respectfully request leave to file their Brief in Reply to Plaintiff's Response to Defendants' Fed. R. Civ. P. 25 [sic] Motion for Mental Examination of Plaintiff to be Performed by L. Randolph Waid, Ph.D under seal by submitting the same directly to the clerk of the Court (bypassing the Court's electronic filing system) in a sealed envelope along with all exhibits thereto.

6. A proposed order has been submitted to the Court via the prescribed method.

WHEREFORE, Defendants respectfully request that their motion be granted and that they be permitted to file their Brief in Reply to Plaintiff's Response to Defendants' Fed. R. Civ. P. 25 [sic] Motion for Mental Examination of Plaintiff to be Performed by L. Randolph Waid, Ph.D. under seal.

Respectfully submitted, this 13th day of February, 2013.

OLIVER MANER LLP

/s/ William P. Franklin, Jr.

WILLIAM P. FRANKLIN, JR.

Georgia Bar No. 274000

I. GREGORY HODGES

Georgia Bar No. 358925

PATRICIA T. PAUL

Georgia Bar No. 697845

WILLIAM J. HUNTER

Georgia Bar No. 141288

GEORGE T. MAJOR, JR.

Georgia Bar No. 619608

218 West State Street
Post Office Box 10186
Savannah, Georgia 31412
(912) 236-3311

*Attorneys for Defendants Paula Deen, Paula
Deen Enterprises, LLC, The Lady & Sons,
LLC, and The Lady Enterprises, Inc.*

GILLEN, WITHERS & LAKE LLC

/s/ Thomas A. Withers

THOMAS A. WITHERS

Georgia Bar No. 772250

8 East Liberty Street
Savannah, Georgia 31401
(912) 447-8400

*Attorney for Defendants Earl W. "Bubba"
Hiers and Uncle Bubba's Seafood and
Oyster House, Inc.*